

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

CRIMINAL 03-137CCC

MIGUEL RIVERA-HERNANDEZ

Defendant

O R D E R

Having considered the arguments made by the parties for and against the Fed.R.Crim.P. 29(a) motion, the same is DENIED. Defendant's allegation that the cut-off date for purposes of the statute of limitations is the May 12, 1998 date of the \$59,820.00 check paid to the order of Multi-Equipment Repairs and Services (Government's Exhibit 7D) lacks merit. The evidence shows that this was not the date in which payment was received by defendant. On the contrary, the evidence shows that said check was endorsed by Multi-Equipment Repairs and Services on May 13, 1998 and events occurring thereafter point to the receipt of funds by defendant subsequent to May 13, 1998. There is no issue of statute of limitations based on the evidence before the Court.

As to the additional argument raised by defendant, having considered the allegations of the Indictment and the government's evidence admitted during its case-in-chief, the Court FINDS that there was no impermissible amendment to the Indictment during trial as alleged by him.

SO ORDERED.

At San Juan, Puerto Rico, on September 12, 2005.

S/CARMEN CONSUELO CEREZO
United States District Judge